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8 **UNITED STATES DISTRICT COURT**
9 **NORTHERN DISTRICT OF CALIFORNIA**
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11 MICHAEL ZELENY,

12 Plaintiff,

13 vs.

14 GAVIN NEWSOM, *et al.*,

15 Defendants.
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Case No. CV 17-7357 RS

Assigned to:
The Honorable Richard G. Seeborg

Assigned for Discovery Purposes to:
The Honorable Thomas S. Hixson

**[PROPOSED] ORDER GRANTING
PLAINTIFF'S MOTION TO COMPEL
CHIEF DAVE BERTINI TO ANSWER
DEPOSITION QUESTIONS**

Filed Concurrently:
1. Notice of Motion and Motion;
2. Declaration of Damion Robinson

Date: November 19, 2020
Time: 10:00 a.m.
Courtroom G – 15th Floor

Action Filed: December 28, 2017
Trial Date: [Not Set]

ORDER

The Motion to Compel Chief Dave Bertini to Answer Deposition Questions of Plaintiff Michael Zeleny ("Plaintiff") came before the Court for hearing on November 19, 2020 at 10:00 a.m.

Having considered the moving, opposing, and reply papers, the evidence submitted, and the arguments of all counsel, and finding good cause, the Court hereby GRANTS the motion as follows:

1. Chief Dave Bertini ("Bertini"), individually and in his capacity as a Rule 30(b)(6) designee for defendant City of Menlo Park, shall answer the deposition questions identified in Appendix 1 to Plaintiff's moving papers, and reasonable follow-up questions.

2. Sanctions are awarded to Plaintiff in the amount of \$2,000 against Bertini and his counsel, Todd H. Master, Howard, Rome, Martin & Ridley, LLP, reflecting the estimated costs of resuming the deposition, pursuant to Fed. R. Civ. P. 37(a)(5)(A) and 30(d)(2). The Court does not find that counsel's instructions not to answer were substantially justified or that the circumstances render an award of sanctions unjust.

It is SO ORDERED.

Dated: _____

The Honorable Thomas S. Hixson
UNITED STATES MAGISTRATE JUDGE

PROOF OF SERVICE

I hereby certify that on October 9, 2020, I electronically filed the foregoing document using the Court's CM/ECF system. I am informed and believe that the CM/ECF system will send a notice of electronic filing to the interested parties.

s/ Gabrielle Bruckner
Gabrielle Bruckner